

# UTILITY PATENT APPLICATION TRANSMITTAL (Large Entity)

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Docket No.  
20213-81002

Total Pages in this Submission  
133

## TO THE COMMISSIONER FOR PATENTS

Mail Stop Patent Application  
P.O. Box 1450  
Alexandria, VA 22313-1450

Transmitted herewith for filing under 35 U.S.C. 111(a) and 37 C.F.R. 1.53(b) is a new utility patent application for an invention entitled:

**AGENT FOR LOWERING PROLACTIN**

and invented by:

**Wolfgang Wuttke, Hubertus Jarry, Michael Popp, Volker Christoffel, and Barbara Spengler**

31109 U.S. PTO  
10/676314  
093003

If a **CONTINUATION APPLICATION**, check appropriate box and supply the requisite information:

☐ Continuation ☒ Divisional ☐ Continuation-in-part (CIP) of prior application No.: 09/856,219

Which is a:

☐ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of prior application No.: \_\_\_\_\_

Which is a:

☐ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of prior application No.: \_\_\_\_\_

Enclosed are:

### Application Elements

1. ☒ Filing fee as calculated and transmitted as described below
2. ☒ Specification having 20 pages and including the following:
  - a. ☒ Descriptive Title of the Invention
  - b. ☐ Cross References to Related Applications (if applicable)
  - c. ☐ Statement Regarding Federally-sponsored Research/Development (if applicable)
  - d. ☐ Reference to Sequence Listing, a Table, or a Computer Program Listing Appendix
  - e. ☒ Background of the Invention
  - f. ☒ Brief Summary of the Invention
  - g. ☒ Brief Description of the Drawings (if filed)
  - h. ☒ Detailed Description
  - i. ☒ Claim(s) as Classified Below
  - j. ☒ Abstract of the Disclosure

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**Application Elements (Continued)**

3. ☒ Drawing(s) *(when necessary as prescribed by 35 USC 113)*
- a. ☒ Formal                      Number of Sheets 1
- b. ☐ Informal                      Number of Sheets \_\_\_\_\_
4. ☒ Oath or Declaration
- a. ☐ Newly executed *(original or copy)*                      ☐ Unexecuted
- b. ☒ Copy from a prior application (37 CFR 1.63(d)) *(for continuation/divisional application only)*
- c. ☐ With Power of Attorney                      ☒ Without Power of Attorney
- d. ☐ DELETION OF INVENTOR(S)  
Signed statement attached deleting inventor(s) named in the prior application,  
see 37 C.F.R. 1.63(d)(2) and 1.33(b).
5. ☐ Incorporation By Reference *(usable if Box 4b is checked)*  
The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied  
under Box 4b, is considered as being part of the disclosure of the accompanying application and is hereby  
incorporated by reference therein.
6. ☐ CD ROM or CD-R in duplicate, large table or Computer Program (Appendix)
7. ☐ Application Data Sheet (See 37 CFR 1.76)
8. ☐ Nucleotide and/or Amino Acid Sequence Submission *(if applicable, all must be included)*
- a. ☐ Computer Readable Form (CRF)
- b. ☐ Specification Sequence Listing on:
- i. ☐ CD-ROM or CD-R (2 copies); or
- ii. ☐ Paper
- c. ☐ Statement(s) Verifying Identical Paper and Computer Readable Copy

**Accompanying Application Parts**

9. ☒ Assignment Papers *(cover sheet & document(s))*
10. ☒ 37 CFR 3.73(B) Statement *(when there is an assignee)*
11. ☒ English Translation Document *(if applicable)*
12. ☒ Information Disclosure Statement/PTO-1449                      ☐ Copies of IDS Citations
13. ☒ Preliminary Amendment
14. ☒ Return Receipt Postcard (MPEP 503) *(Should be specifically itemized)*
15. ☐ Certified Copy of Priority Document(s) *(if foreign priority is claimed)*
16. ☒ Certificate of Mailing
- ☐ First Class                      ☒ Express Mail *(Specify Label No.):* EV 305 241 505 US

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**Accompanying Application Parts (Continued)**

17. ☒ Additional Enclosures *(please identify below)*:

- (1) Copy of English language translation of PCT/EP99/08507;
- (2) Copy of Priority German Patent Application 19853476.0;
- (3) Copy of Power of Attorney;
- (4) Letter (filed 12/30/02 in 09/856,219 concerning amendment to Figure 1);
- (5) Response to Office Action in 09/856,219 (filed 12/30/02)

**Request That Application Not Be Published Pursuant To 35 U.S.C. 122(b)(2)**

18. ☐ Pursuant to 35 U.S.C. 122(b)(2), Applicant hereby requests that this patent application not be published pursuant to 35 U.S.C. 122(b)(1). Applicant hereby certifies that the invention disclosed in this application has not and will not be the subject of an application filed in another country, or under a multilateral international agreement, that requires publication of applications 18 months after filing of the application.

***Warning***

***An applicant who makes a request not to publish, but who subsequently files in a foreign country or under a multilateral international agreement specified in 35 U.S.C. 122(b)(2)(B)(i), must notify the Director of such filing not later than 45 days after the date of the filing of such foreign or international application. A failure of the applicant to provide such notice within the prescribed period shall result in the application being regarded as abandoned, unless it is shown to the satisfaction of the Director that the delay in submitting the notice was unintentional.***

**UTILITY PATENT APPLICATION TRANSMITTAL**  
**(Large Entity)**

*(Only for new nonprovisional applications under 37 CFR 1.53(b))*

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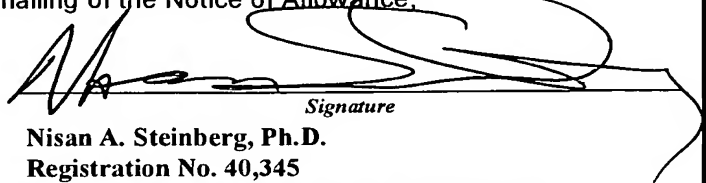
Total Pages in this Submission  
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**Fee Calculation and Transmittal**

**CLAIMS AS FILED**

For	#Filed	#Allowed	#Extra	Rate	Fee
Total Claims	37	- 20 =	17	x \$18.00	\$306.00
Indep. Claims	3	- 3 =	0	x \$84.00	\$0.00
Multiple Dependent Claims (check if applicable) <input checked="" type="checkbox"/>					\$280.00
BASIC FEE					\$750.00
OTHER FEE (specify purpose)					\$0.00
TOTAL FILING FEE					\$1,336.00

- ☐ A check in the amount of \_\_\_\_\_ to cover the filing fee is enclosed.
- ☒ The Director is hereby authorized to charge and credit Deposit Account No. **50-1597** as described below.
- ☒ Charge the amount of **\$1,336.00** as filing fee.
  - ☒ Credit any overpayment.
  - ☒ Charge any additional filing fees required under 37 C.F.R. 1.16 and 1.17.
  - ☐ Charge the issue fee set in 37 C.F.R. 1.18 at the mailing of the Notice of Allowance, pursuant to 37 C.F.R. 1.311(b).

  
Signature

Nisan A. Steinberg, Ph.D.  
Registration No. 40,345  
SIDLEY AUSTIN BROWN & WOOD LLP  
555 West Fifth Street  
Los Angeles, CA 90013-1010\  
Ofc: 213/896-6665  
Fax: 213/896-6600

Dated: September 30, 2003

cc:

# TRANSMITTAL LETTER TO THE UNITED STATES RECEIVING OFFICE

PTO-1382 (Rev. 4-1995) (Modified)

PCTUS2.FRP REV03

Date	24 September 2001
International Application No.	PCT/EP99/08507
Attorney Docket No.	BIONORICA-81

## I. Certification under 37 CFR 1.10 (if applicable)

EL 773 916 755 US
Express Mail mailing number

24 September 2001
Date of Deposit

I hereby certify that the application/correspondence attached hereto is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to Assistant Commissioner for Patents, Washington, D.C. 20231.


Signature of person mailing correspondence

Ann Weiss
Typed or printed name of person mailing correspondence

## II. ☐ New International Application

TITLE	
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Earliest priority date (Day/Month/Year)

**SCREENING DISCLOSURE INFORMATION:** In order to assist in screening the accompanying international application for purposes of determining whether a license for foreign transmittal should and could be granted and for other purposes, the following information is supplied. (Note: check as many boxes as apply):

- A. ☐ The invention disclosed was **not** made in the United States.
- B. ☐ There is no prior U.S. application relating to this invention.
- C. ☐ The following prior U.S. application(s) contain subject matter which is related to the invention disclosed in the attached international application. (NOTE: priority to these applications may or may not be claimed on form PCT/RO/101 (Request) and this listing does not constitute a claim for priority).

application no.		filed on	
application no.		filed on	

- D. ☐ The present international application ☐ is identical ☐ contains less subject matter than that found in the prior U.S. application(s) identified in paragraph C.
- E. ☐ The present international application ☐ contains additional subject matter not found in the prior U.S. application(s) identified in paragraph C. above. The additional subject matter is found on pages  and ☐ DOES NOT ALTER ☐ MIGHT BE CONSIDERED TO ALTER the general nature of the invention in a manner which would require the U.S. application to have been made available for inspection by the appropriate defense agencies under 35 U.S.C. 181 and 37 CFR 5.1. See 37 CFR 5.15

## III. ☐ A Response to an Invitation from the RO/US. The following document(s) is (are) enclosed:

- A. ☐ A Request for An Extension of Time to File a Response
- B. ☐ A Power of Attorney (General or Regular)
- C. ☐ Replacement pages:

pages		of the request (PCT/RO/101)	pages		of the figures
pages		of the description	pages		of the abstract
pages		of the claims			

- D. ☐ Submission of Priority Documents


Priority document		Priority document	
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- E. ☐ Fees as specified on attached Fee Calculation sheet form PCT/RO/101 annex


## IV. ☐ A Request for Rectification under PCT 91 ☐ A Petition ☐ A Sequence Listing Diskette

## V. ☒ Other (please specify): Response to Notification of Missing Requirements Under 35 U.S.C. 371 In the United States Designated/Elected Office (DO/EO/US)

The person signing this form is the:

<input type="checkbox"/> Applicant		Nisan A. Steinberg, Ph.D.
<input checked="" type="checkbox"/> Attorney/Agent (Reg. No.) 40,345		Typed name of signer
<input type="checkbox"/> Common Representative		Signature

U.S. Department of Commerce: Patent and Trademark Office

CERTIFICATE OF MAILING BY "EXPRESS MAIL" (37 CFR 1.10)			Docket No.
Applicant(s): Wuttke et al.			BIONORICA-81
Serial No. 09/856,219	Filing Date May 18, 2001	Examiner Unknown	Group Art Unit --
Invention:  PROLACTIN LOWERING DRUG			
<p>I hereby certify that this <u>Certificate Under 37 C.F.R. 3.73(b) Establishing Right of Assignee to Prosecute</u> (Identify type of correspondence)</p> <p>is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 in an envelope addressed to: The Commissioner of Patents and Trademarks, Washington, D.C.</p> <p>20231-0001 on <u>September 24, 2001</u> (Date)</p> <p><u>Ann Weiss</u> (Typed or Printed Name of Person Mailing Correspondence)</p> <p> (Signature of Person Mailing Correspondence)</p> <p><u>EL 773 916 755 US</u> ( "Express Mail" Mailing Label Number)</p>			
<p>Note: Each paper must have its own certificate of mailing.</p>			

Applicant(s): **Wuttke et al.**

BIONORICA-81

Group Art Unit

## PROLACTIN LOWERING DRUG

EL 773 916 755 US  
("Express Mail" Mailing Label Number)

P06B/REV02